

LEGISLATIVE UPDATE

County Auditors' Spring
Conference
May 2014

SEA 53

- Amends IC 36-9-23-25, IC 36-9-23-32, IC 36-9-23-33, IC 36-9-25-11
- Effective July 1, 2014
- Sewage liens
- When property occupied by someone other than the property owner
- An ordinance may be passed by the legislative body so that the fees assessed against the property do not constitute a lien against a property

SEA 61

- IC 5-10-17 added
- Effective July 1, 2014
- Allows county to provide emergency medical services workers with disability insurance
- Insurance may be purchased or
- Self-Insurance
- Self-Insurance program subject to approval by fiscal body

SEA 118

- Amends IC 36-7-14
- Effective July 1, 2014
- Redevelopment commissions/departments
- IC 36-7-14-3 specifically states that a redevelopment commission and department of redevelopment are subject to
 - Oversight by the legislative body including a review of the budget
 - Audit by state board of accounts
 - Covered by public meetings law
 - Covered by public records law

SEA 118 Continued

- IC 36-7-14-8
- Fiscal officer of the unit establishing a redevelopment commission is the treasurer of the redevelopment commission
- Funds and accounts are subject to the same state laws that apply to other funds and accounts administered by the fiscal officer

SEA 208

- Amends IC 5-14-3-4
- Effective upon passage
- Public records
- Added exception to some items on the unclaimed property report to the Attorney General that may be excluded
 - Date of birth
 - Driver's license number
 - Taxpayer identification number
 - Employer identification number or
 - Account number

SEA 225

- Amends IC 5-10-8-2.2, IC 5-10-8-2.6, IC 5-10-8-6.6
- Effective July 1, 2014
- Repeals local unit participation in State of Indiana insurance plans, including health care coverage

SEA 229

- Adds IC 35-47-3.5
- Effective July 1, 2014
- Firearm buyback program
- May only use private or grant funds, not public funds

HEA 1178

- Amends IC 36-1-8.5-3
- Effective July 1, 2014
- Restricted addresses
- Added federal judges to the covered group that may submit a written request to restrict access to their address

SEA 249

- Amends IC 6-1.1-25-2(c) and (d)
- Effective July 1, 2014
- Redemption of real property
- Amount exceeding minimum bid
 - Date of sale before July 1, 2014,
 - 10%
 - Date of sale after June 30, 2014
 - 5%
- Taxes and special assessments paid by purchaser after the sale
 - Date of sale before July 1, 2014
 - 10%
 - Date of sale after June 30, 2014
 - 5%

SEA 249 Continued

- Amends IC 6-1.1-36-17
- Effective July 1, 2014
- Homestead standard deduction
- If county auditor determines that property that had received this deduction was ineligible will do 1 or more of the following:
 - Make a notation on the tax duplicate that the property is ineligible and indicate the date notation made
 - May record a notice of an ineligible homestead lien in the recorder's office without charge

SEA 249 Continued

- If not collected by the due date it is subject to collection under 1 or more of the following
- After being place on the tax duplicate collected in the same manner as other property taxes
- Through a notice of an ineligible homestead lien recorded in the county recorders office
- If purchased property, no lien
- Upon collection of the amount due or the release of the recorded lien
 - The auditor will submit the appropriate documentation to the county recorder who will amend the information recorded to indicate that the lien has be released or the amount has been paid in full again without charge

SEA 249 Continued

- SEA 249 also adds IC 32-21-7-1(b)
- It provides that a governmental entity may claim title by adverse possession without having paid property taxes and special assessments due on the property if the governmental entity is exempt from the payment of property taxes and special assessments

SEA 249 and SEA 422

- Amend IC 6-1.1-25-4(k)
- Specifies that a property tax penalty for property sold by a county executive through a certificate of sale procedure is to be removed from the tax duplicate if the penalty is associated with a delinquency that was not due until after the date of the original tax sale but is due before the issuance of the certificate of sale by the county executive.

SEA 422

- Amends IC 4-6-12-2, IC 4-6-12-3, IC 4-6-12-4, and adds IC 4-6-12-3.6
- Attorney Generals Office will operate and maintain the tax sale blight registry beginning July 1, 2015
- Registry of persons described in IC 6-1.1-24-5.3 who are prohibited from purchasing certain properties at a tax sale
- To be made available to county officials

SEA 422 Continued

- Amends IC 6-1.1-24-1, IC 6-1.1-24-1.5, adds IC 6-1.1-24-23, and IC 32-30-10.6-6
- Effective July 1, 2014
- Vacant or abandoned property
- county executive or an executive of a city or town may certify to the county auditor a list of vacant or abandoned property after
 - and provide either the notice required under IC 32-30-10.6-6 or IC 6-1.1-24-2.3
 - obtaining an order under IC 32-30-10.6 that the real property is vacant or abandoned
- The notice required is considered sufficient if mailed to the last address of the owner as indicated in the records of the county auditor and for the person with substantial interest at the address included in the public record

SEA 422 Continued

- The county auditor prepares a combined list of the properties certified by the executive of the county city or town
- Delete from the delinquent tax sale list
- Provide public notice of the sale of the properties at least 30 days before the date of the sale
- Auction the property
- Issue a deed to the real property to the highest bidder whose bid is at least the minimum bid required

SEA 422 Continued

- Distribution of purchase amount
 - First to the proportionate share of the actual costs incurred by the county in conduction of the sale
 - Any amount above be used to pay the costs of the county city or town that certified the property for title search and court proceedings.
 - Any amount remaining shall be distributed to other taxing units during settlement

SEA 422 Continued

- Adds IC 6-1.1-24-5.1 and IC 6-1.1-24-5.4
- Requires a business entity that seeks to register to bid at a tax sale must provide a certificate of good standing or authority from the secretary of state to the county treasurer
- If a person purchases a tract that is not eligible under IC 6-1.1-24-5.4 the property is subject to forfeiture
- If the county treasurer determines not more than 6 months that the property should be forfeited
 - The person must be notified by the treasurer that the sale is subject to forfeiture within 30 days if
 - The person does not obtain the proper certificate or register with the secretary of state or cure the issue to become in good standing

SEA 422 Continued

- If the person does not meet the conditions within 30 days after the notice the treasurer will refund the surplus amount of the persons bid
- Notify the auditor that the sale is forfeited
- The auditor will issue a certificate to the county executive

SEA 422 Continued

- The treasurer may decline to forfeit the sale because of mistake, lack of actual knowledge of bidder, substantial harm to other parties with interest in property, or other substantial reasons. If the treasurer declines
 - Treasure will prepare written statement for reason why declining
 - Maintain as an official record

SEA 422 Continued

- Adds IC 6-1.1-24-16, Effective July 1, 2014
- Paddle fees
 - Fiscal body adopts ordinance requiring every person who wishes to participate in tax sale as bidder to pay
 - Fee may not exceed
 - \$25 for a person who attends no more than 1 tax sale in the county in a calendar year and
 - Purchases no more than 1 property or tax sale certificate or
 - \$100
 - May be required to pay \$25 fee even if does not purchase property or certificate
 - If purchase \$100 paddle fee is permitted to participate as bidder in as many tax sales as are offered on the county for the calendar year

SEA 422 Continued

- Fee deposited by treasurer not later than 30 days after conclusion of tax sale into the general fund
- Fees may only be used to
 - Defray expenses of tax sale
 - Reduce the number of vacant and abandoned houses, including rehabilitation, demolition, and foreclosure prevention and counseling

SEA 422 Continued

- Amends IC 6-1.1-25-4.5
- Effective July 1, 2014
- Purchaser entitled to tax deed if
- Not later than 6 months after the date of the sale the purchaser or county auditor if applicable gives notice of the sale to the owner of record at the time of the sale and any person with a substantial property interest of public record

SEA 422 Continued

- Amends IC 6-1.1-25-4.6
- Effective July 1, 2014
- After the expiration of the redemption period but not later than 3 months after the expiration of the redemption period a verified petition may be filed asking the court to direct the count auditor to issue a tax deed.

SEA 422 Continued

- Amends IC 6-1.1-25-11
- Effective July 1, 2014
- Subsequent to order to issue a tax deed if it is found by the court that the real property was not subject to the taxes for which it was sold, the delinquent taxes or special assessments were properly paid before the sale or the legal description of the real property in the tax deed is void for uncertainty
- The auditor is to refund the purchase money plus 5%

SEA 422 Continued

- Adds IC 6-1.1-25-20
- Effective July 1, 2014
- Tax deed executed by auditor as result of tax sale
- The auditor will provide a copy of the tax deed to the grantee
- The auditor shall collect from the grantee the recording fee on behalf of the county recorder and submit the tax deed directly to the county recorder for recording
- The recorder records the tax deed in the deed records and provides the recorded tax deed to the grantee in the normal course of business

SEA 422 Continued

- Amends IC 32-29-7-3
- Effective July 1, 2014
- Sheriff Sale
- If sale is canceled the sheriff will provide written notice to each owner of the real estate
- The sheriff will charge a fee of \$10 for notice to 1 owner and \$3 for notice to each additional owner for service of written notice
- The fee is a cost of the proceeding and collected as other costs of the proceeding are collected
- Deposited into general fund
- Appropriated for operating expenses of the sheriff's department
- Paid by person who caused the sale to be canceled.

SEA 311

- Repeals IC 15-20-2
- Effective July 1, 2014
- Charges to county for a dog killing livestock

SEA 367

- Amends IC 6-1.1-24-1.2
- Effective July 1, 2014
- Arranged payment of delinquent taxes
- Before if the taxpayer failed to abide by arrangement
 - Auditor immediately places tract on tax sale list
 - Taxpayer cannot make another arrangement for 5 years
- Now if taxpayer fails to abide by arrangement
 - County treasurer and taxpayer may enter into subsequent arrangement and avoid having tract put on tax sale list

HEA 1046

- Adds IC 6-1.1-12-26.2
- Effective July 1, 2014
- Deductions for heritage barns
- County council may pass an ordinance to require a public safety fee for each heritage barn that the person receives a deduction for
 - annual
 - Not exceed \$50
 - Distributed equitably among police and fire departments in whose territory the barns are located
 - Ordinance to be provided to DLGF

HEA 1075

- Adds IC 5-10.5-4-2.5
- Effective upon passage
- INPRS cannot enter into an agreement with 3rd party before 1/1/17 to provide annuities for retiring members
- Adds IC 5-10.5-4-2.6
- Effective upon passage
- Interest rates used to determine annuity amount purchasable by a member who elects to receive as part of retirement an annuity
 - After 9/30/14 and before 10/1/15 - 5.75%
 - After 9/30/15 and before 1/1/17 – 4.5%

HEA 1234

- Amends IC 6-1.1-22-8.1
- Effective July 1, 2014
- Starting with the 2014-pay-2015 cycle
- Tax bills mailed 15 business days before first installment

HEA 1318

- Amends IC 3-8-2-7
- Effective January 1, 2015
- Declaration of candidate
- Statement that understand may be required to obtain and file a surety bond before serving office
- Understand that may be required to successfully complete training related to service in an elected office

HEA 1342

- Adds IC 13-22-12-3.5, Repeals IC 6-6-6.6-3
- Effective July 1, 2014
- Affects counties that have a hazardous waste disposal facility
- 25% of the fees collected by the Indiana Dept of Environmental Management are paid to the county with the disposal facility
- Fees are deposited into a separate fund
- If the county had a fund established under IC 6-6-6.6-3 (collection of these fees by Dept of Revenue) before its repeal then that fund may be used and all monies in that fund are subject to the expenditure requirements found under IC 13-22-12-3.5

HEA1171

- Amends IC 36-2-7-10(d)
- Effective July 1, 2014
- The county recorder may use any money in this fund without appropriation for
 - Preservation of records and
 - The improvement of record keeping systems and equipment
- **WITHIN THE CONTROL OF THE COUNTY RECORDER**

HEA 1171 Continued

- Added IC 36-2-7-10.2
- Effective July 1, 2014
- Recorder's records perpetuation may be used for expenses of the county recorder's office if:
 - For the following calendar year
 - The county recorder submits to fiscal body sworn statement
 - The fiscal body adopts an ordinance approving the recorder's request

HEA 1171 Continued

- Sworn Statement
 - The current revenue to the fund is sufficient to fulfill the statutory purpose of the fund
 - The technology is presently updated and sufficient level to meet the statutory purposes of the fund and office
 - The fund has sufficient reserve consistent with the plan
 - Specifically requests that all or a specific portion of the fund be used to pay the expenses of the office for the following calendar year

HEA 1171 Continued

- Fiscal body may adopt an ordinance approving the county recorder's request
- If the ordinance is adopted the fiscal body shall approve sufficient money from the fund
- The fiscal body may not approve any more money from the fund for any purpose in excess of that requested
- Valid for only the following calendar year and requirements must be met for each calendar year